



WAD 2917
FF#3c
7/9/1993

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. BOX 47600 • Olympia, Washington 98504-7600 • (206) 459-6000

July 9, 1993

Mr. Keith Lund
Burlington Environmental Inc.
Waterfront Place One
1011 Western Ave, Suite 700
Seattle WA 98104

RECEIVED
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FILE COPY

RCRA PERMITS SECTION

Dear Mr. Lund:

Re: Burlington Environmental Inc. (Burlington) Pier 91 facility permit appeal

As I indicated in my letter of June 22, 1993, the Department of Ecology (Ecology) is providing a draft Addendum to the Pier 91 Permit. The purpose of the addendum is to specify all of the new permit language resulting from the settlement of the appeal issues. The final addendum will be an attachment to the settlement agreement which will be filed with the PCHB. The enclosed draft addendum incorporates all revisions agreed upon by both parties to date as well as Ecology's proposed language of June 22 for Permit Condition II.A.12., which differed slightly from Burlington's proposed language.

Additionally, Burlington's latest proposal concerning the design and operation of tanks 2705-2708 responds adequately to most of Ecology's concerns expressed in our meeting of June 9, 1993. However, Burlington must still provide some additional information before Ecology can agree to the proposal. These additional requirements are specified in enclosure 2. Burlington should provide this additional information by July 28, 1993. Should this additional information prove adequate, Ecology could agree to final settlement at that time.

Subsequent to approval of the tank design, additional ancillary changes must be made to the permit. The inspection plan must be revised to indicate how the leak detection system and sump will be inspected. The inspection plan must, at a minimum, identify what items will be indicators of a leaking tank, and how liquid in the sump will be handled (see revised Permit Condition IV.A.4.a.). Procedures for tightness testing must also be provided. I recognize that Burlington has already provided tightness testing information in John Stiller's letter of June 18, 1993, however this information should be provided in a format consistent for inclusion with the appropriate permit attachment, probably the inspection plan (alternatively, the June 18 letter could be added to the permit as a new attachment). The contingency plan must also be revised to indicate how Burlington will respond to the detection of a leak or the failure of a tightness test and

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Keith Lund
July 9, 1993
Page 2

the closure plan must address sampling and/or decontamination of the interspaces, including the concrete and pea gravel.

As we have discussed on the phone, the additional ancillary changes can be accomplished in one of two ways. The information can be provided on July 28 with, and incorporating, the additional design and operational information discussed in the second paragraph above and specified in enclosure 2. Should all of the submitted information prove adequate it could be incorporated into the permit via the addendum at the time of the settlement agreement. Alternatively, the new permit language included in the addendum could specify a schedule by which Burlington would submit, and Ecology would review, the additional information.

The enclosed draft addendum assumes the latter scenario. This does not indicate any preference by Ecology, rather it was difficult to anticipate where in the permit all of the changes would occur, as it is largely Burlington's choice as to how you want the permit attachments to be organized. Should Burlington wish to provide all of the additional information by July 28, the cover page of the addendum would be revised to indicate all locations where changes occur and all of that additional information would itself be included in the addendum, as the QA procedures and PCB tracking procedures currently are. In addition, some changes would also be made to Section IV.A. in order to eliminate requirements for subsequent submittals and instead reference the new material. Please consider whether or not Burlington can prepare all of the requested information in reasonable time for inclusion into the settlement agreement.

Finally, in a telephone conversation Marlys Palumbo indicated to me that the draft letter concerning corrective action responsibilities was satisfactory. If this is indeed the case, please give me a call to let me know and I will prepare a final version for Ecology and EPA signature in order that Burlington may have the final letter in hand prior to the final settlement agreement. If this arrangement is not agreeable to you, or should you have any other questions about the appeal, please give me a call at 459-6993.

Sincerely,



Douglas Brown
Hazardous Waste Permits

Enclosures

cc: Stephanie Delaney, Attorney General's Office
Doug Hotchkiss, Port of Seattle
Julie Sellick, NWRO
Carrie Sikorski, EPA Region 10
Galen Tritt, NWRO

DRAFT

**ADDENDUM TO THE
PERMIT
FOR THE STORAGE AND TREATMENT
OF DANGEROUS WASTE**

ISSUED TO: Burlington Environmental Inc.
(Pier 91 Facility)
2203 Airport Way So., Suite 400
Seattle, Washington 98134
Telephone: (206) 223 0500
EPA Identification No. WAD 000812917

Pursuant to the Stipulation and Agreed Order of Dismissal of an appeal before the Washington State Pollution Control Hearings Board (PCHB NO. 92-166 BURLINGTON ENVIRONMENTAL INC v. DOE) the following portions of the Final RCRA Part B Permit issued to Burlington Environmental Inc. for their Pier 91 facility shall read as reflected on the following pages of this Addendum:

Permit Conditions II.A.6., II.A.12., II.C.1., IV.B.1., IV.C.4., Section IV.A., Section C2.9 and Figure C2-2 of Attachment CC (PCB Analysis and Tracking Procedures), Appendix C-3 of Permit Attachment CC (The Quality Assurance Program Plan), and Drawing No. 23015 of Appendix D-8 of Attachment II.

Drawing No. 43008 of Appendix D-8 of Attachment II is deleted.

This Addendum to the Permit is effective seven (7) calendar days after the date of entry of the Settlement of PCHB NO. 92-166 by the PCHB and shall remain in effect until August 26, 2002 unless revoked and reissued under WAC 173-303-830(3), terminated under WAC 173-303-830(5), or continued in accordance with WAC 173-303-806(7).

ISSUED BY: WASHINGTON DEPARTMENT OF ECOLOGY

Thomas Eaton, Program Manager
Hazardous Waste and Toxics Reduction
Department of Ecology

Date _____

II.A.6. Each regulated generator waste stream which is received by the Permittee more than twice a year shall undergo annual full characterization. Full characterization is defined as completing a waste profile sheet which shall identify the dangerous constituents and characteristics necessary for proper designation and management of the waste stream, along with accounting for 100% of the material (e.g., 30% oil, 70% water).

- a. Except as specified in c. below, full characterization shall include or consist of:
 - i. Existing published or documented data on the dangerous waste or on waste generated from similar processes. The use of existing published or documented data shall include confirmation by the generator that the process generating the dangerous waste has not significantly changed; or
 - ii. Laboratory analysis of the waste stream consisting of chemical, physical, and/or biological analyses using methods which are approved by the Agency or Department. Wastes shall be analyzed for all hazardous constituents except those which can be demonstrated not to be present in any of that generator's waste streams, or those which do not change the proper designation and management of the waste stream.
- b. Analysis for the purposes of a.ii. above shall be performed by a laboratory which meets one of the following standards:
 - i. The laboratory is accredited by Washington State under Chapter 173-50 WAC; or
 - ii. The laboratory meets the standards of the Quality Assurance Program Plan, Appendix C-3 of Attachment CC. Such a laboratory shall be audited by the Permittee every two years or whenever analyses for the purposes of full characterization are performed, whichever is longer.
 - A. If the Department determines that any laboratory utilized by the Permittee does not meet the requirements of the Quality Assurance Program Plan, the Department may issue a final decision requiring a new audit of that laboratory. The issuance of such a decision shall constitute an Agency action subject to the rights of appeal under Chapter 34.05 RCW.
 - B. Except for frequency, audits of laboratories by the Permittee shall be performed as specified in the Quality Assurance Program Plan.

- c. In the following circumstances a waste stream shall undergo full characterization consisting solely of laboratory analyses meeting the requirements of a.ii. above, and knowledge as necessary to designate a waste under WAC 173-303-080, Dangerous Waste Lists. Such characterization shall occur prior to receipt of the next shipment of that waste stream.
 - i. The permittee has been notified, or has reason to believe, that the process or operation generating the dangerous waste has significantly changed;
 - ii. There is a discrepancy between a generator's waste designation, as provided by the generator's waste profile and the Permittee's waste designation, as determined by the screening analysis and any further waste analysis;
 - iii. The first time a waste undergoes full characterization. This shall include but not be limited to all waste streams for which waste profiles are amended, such as pursuant to Permit Condition II.A.14.a.i.; and
 - iv. No more than five years from the last full characterization by laboratory analysis.
 - d. The following wastes are exempt from the requirement of c. above, periodic full characterization by laboratory analysis only:
 - i. Residue and debris from the clean up of spills or releases of:
 - A. A single known substance;
 - B. A commercial product; or
 - C. Other material for which a MSDS or waste profile can be provided;
 - ii. Bulk unused commercial chemical products (i.e., off-specification or outdated materials).
- II.A.12. The non-aqueous phase of each outgoing shipment of used oil, used oil fuel, and dangerous waste generated at the facility shall be sampled and analyzed for the presence of PCBs, using the PCB Analysis as defined in Attachment CC. Should detectable levels of PCBs be identified in any such outgoing shipment, the source of the PCBs will be identified and contaminated materials will be disposed of in accordance with procedures in Attachment CC.

II.C.1. Operating Record: The Permittee shall maintain a written operating record at the facility, consisting of records kept for the length of time specified below. The record can be a compilation of various documents and when specifically noted may be by reference to records maintained at the corporate office, located at 2203 Airport Way South, Seattle, WA. The Permittee shall also record all information referenced in this Permit in the operating record within 48 hours of the information becoming available. The operating record shall include, but not be limited to, the information listed below.

a. The following records shall be maintained until closure and corrective action are complete and certified:

- i. A current map showing the location of dangerous waste management units and non-regulated units within the facility;
- ii. A map showing all locations of past dangerous waste management units if different from present locations;
- iii. Assessment reports, as per WAC 173-303-360(2)(k), of all incidents that require implementation of the contingency plan (may be by reference to records at the corporate office);
- iv. Record of spills and releases (may be by reference to records at the corporate office);
- v. Written reports and records of verbal notification to the Director to address releases, fires, and explosions (may be by reference to records at the corporate office);
- vi. Summaries of all records of corrective action;
- vii. All other environmental permits (current copies shall be maintained at the facility, past copies may be by reference to records at the corporate office);
- viii. Corrective action deed notification (may be by reference to records at the corporate office);
- ix. The following information, as it relates to the waste analysis plan;
 - A. The date(s), exact place, and times of sampling or measurements;
 - B. The name of the individual(s) who performed the sampling or measurements;
 - C. The date(s) analyses were performed, demonstrating that EPA SW-846 holding times were satisfied;
 - D. The name of the individual(s) who performed the analyses;

May 27, 1993

Addendum to Permit No: WAD000812917

Expiration Date: 8/26/2002

Page 5 of 89

- E. The analytical techniques or method used (may be by reference to records at the corporate office);
 - F. The analytical results;
 - G. The QA/QC summary (may be by reference to records at the corporate office); and
 - H. The type and model # of the equipment used for analysis (may be by reference to records at the corporate office).
- x. Training records of current Permittee facility personnel;
 - xi. Facility construction records pursuant to Permit Condition IV.B.2. (may be by reference to records at the corporate office).
- b. The following records shall be maintained for a minimum of 5 years. This time period may be extended by the Department in the event of enforcement action or notification by the Department that an investigation is ongoing. In the case of notification of investigation, the Permittee will not be required to keep the records longer than one (1) year past the normal time frame unless an enforcement action is issued:
- i. Facility operation and maintenance records and reports prepared pursuant to this Permit;
 - ii. Date(s) and method(s) of treatment used per dangerous waste process operation including name(s) of personnel performing actual operation;
 - iii. Progress reports and any required notifications prepared pursuant to this Permit (may be by reference to records at the corporate office);
 - iv. Records of all inspection and monitoring information, including all calibration and maintenance records which shall include at a minimum:
 - A. The date and time of data recording;
 - B. The name of the person taking and recording the information; and
 - C. The recorded information itself whether consisting of observation, data measurement, instrument reading or any other monitoring method.

May 27, 1993

Addendum to Permit No: WAD000812917

Expiration Date: 8/26/2002

Page 6 of 89

- v. Annual reports submitted in compliance with WAC 173-303-220(1), Generator Report - Form 4 unless the reports are necessary to supplement information required by a. above, in which case they must be retained until facility closure and corrective action are complete and certified (may be by reference to records at the corporate office).
 - vi. Records of laboratory audits pursuant to the Quality Assurance Program Plan, Appendix C-3 of Attachment CC, and Permit Condition II.A.6.b.ii. (may be by reference to records at the corporate office).
- c. The following records shall be maintained for a minimum of 3 years. This time period may be extended by the Department in the event of enforcement action or notification by the Department that an investigation is ongoing. In the case of notification of investigation, the Permittee will not be required to keep the records longer than one (1) year past the normal time frame unless an enforcement action is issued:
- i. The records of all inspections and analyses required by Permit Condition IV.A.3.b.;
 - ii. Manifests and any required unmanifested shipment or exception reports;
 - iii. Training records of former Permittee facility personnel; and
 - iv. Annual reports submitted in compliance with WAC 173-303-390(2), TSD Facility Report - Form 5, unless the reports are necessary to supplement information required by a. above, in which case they must be retained until facility closure and corrective action are complete and certified (may be by reference to records at the corporate office).
- d. Current copies of the following documents as amended, revised, and modified shall be maintained at the facility until closure and corrective action are complete and certified:
- i. Contingency Plan;
 - ii. Training Plan;
 - iii. Waste Analysis Plan;
 - iv. Documentation of arrangements made with local authorities pursuant to WAC 173-303-340;

May 27, 1993

Addendum to Permit No: WAD000812917

Expiration Date: 8/26/2002

Page 7 of 89

- v. All closure, interim measures, and final corrective action cost estimates; financial assurance documents prepared pursuant to this Permit; as well as the company names and addresses of Permittee insurers (may be by reference to records at the corporate office);
 - vi. Closure Plan;
 - vii. For all new and converted "new" tank systems, pursuant to WAC 173-303-640(3):
 - A. An assessment, by an independent, registered professional engineer or independent qualified tank installation inspector not affiliated with the tank vendor, certified by an independent, registered professional engineer, that the tank system was installed properly and that all discrepancies have been repaired;
 - B. Results of tightness testing and integrity assessments; and
 - C. For all tanks which require corrosion protection, a written statement from a corrosion expert that attests to the proper design and installation of any corrosion protection measures.
 - viii. The results of periodic tightness testing and integrity assessments of all tank systems; and
 - ix. The results of tightness testing of the interspace area between tank bottoms pursuant to Permit Condition IV.A.3.d.
- IV.B.1. Construction related activities identified below shall be performed within the time specified.
- a. The loading/unloading pad shall be completed within seven (7) months of the permit effective date.
 - b. The following activities shall be completed within 60 months of the permit effective date. The Permittee shall notify the Department at least 120 days prior to the initiation of construction.
 - i. Area A (See Figure IV-1):
 - A. Upgrade secondary containment to meet Permit requirements;
 - B. Remove tanks 106 and 108; and
 - C. Install tanks 2702 and 2704.

ii. Area B (See Figure IV-1):

- A. Upgrade secondary containment to meet Permit requirements; and
- B. Retrofit double bottoms on tanks 2701 and 2703.

iii. Area C (See Figure IV-1):

- A. Upgrade secondary containment to meet Permit requirements;
- B. Install tanks 2307, 2308, 2309, and 2310; and
- C. Place tanks 2709 and 2710 into service. Tank 2709 shall be designed and constructed in accordance with all specifications in Figure D1-11, Attachment II; Drawings 43007 and 44006, Appendix D-8 of Attachment II; and the structural and corrosion integrity assessments of Appendix D-9 of Attachment II.

IV.C.4. Upon request by the Department, the Permittee shall submit samples of waste or environmental media for analysis by an independent, accredited laboratory. The Department may require analysis for any waste constituent, characteristic, or criteria which has a reasonable possibility of being present. Submittals under this provision shall be limited to two (2) events per year, and 12 samples per event. Requests by the Department under this provision shall constitute an Agency action subject to the rights of appeal under Chapter 34.05 RCW.

IV.A. TANK COMPLIANCE REQUIREMENTS

IV.A.1. For all tanks which undergo modification, permit modification procedures, pursuant to Permit Condition I.C.3., will be followed. Emergency modifications to correct unsafe conditions may be performed prior to a formal modification request, but such a written request must be submitted within 30 days after the start of modification. The Permittee shall notify the Department, via telephone, within 24 hours of any emergency modifications.

IV.A.2. The Permittee shall vent through activated carbon canisters or catalytic oxidation units all tanks storing material contaminated with organics which could emit toxic vapors during tank filling or because of tank breathing. The Permittee shall use the best demonstrated available technology consistent with primary safety concerns (e.g., risk of fire or explosion) to capture vapors, generated as the result of a fire, which cannot be captured by the carbon canisters or catalytic oxidation units.

May 27, 1993

Addendum to Permit No: WAD000812917

Expiration Date: 8/26/2002

Page 9 of 89

- IV.A.3. The Permittee shall modify tanks 2705-2708 as specified by Drawing No. 23015 (Appendix D-8 of Attachment II). All such modifications shall be completed within 10 months of the effective date of this permit condition. The permittee shall obtain new tank integrity assessment certifications pursuant to WAC 173-303-640(2)(c) prior to placing any such modified tank into service.
- IV.A.4. The Permittee shall assure that the leak detection systems for tanks 2705-2708 are capable of collecting and detecting any leaked material. Such assurance shall require that, at a minimum:
- a. The Permittee shall submit to the Department within two (2) weeks of the Permit effective date a revised inspection plan which includes the procedures for inspecting the leak detection system for the presence of accumulated liquid and tightness testing of the tank bottom interspace areas. The Department will have four (4) weeks from the date the proposed procedures are received to either accept or deny the proposal. Failure to respond within four weeks shall constitute acceptance. The inspection plan shall assure, at a minimum that procedures will promptly determine whether any accumulated liquid is precipitation or leaked material;
 - b. The Permittee shall inspect the sump under the leak detection outlet (see Drawing No. 23015, Attachment II) for evidence of accumulated liquids no less frequently than every 24 hours.
 - i. Inspections shall be in performed in accordance with an inspection plan approved in accordance with Permit Condition IV.A.4.a.
 - ii. Any liquid present in the sump shall be promptly removed and appropriately treated or disposed.
 - iii. If any liquid in the sump is determined to be leaked material, the tank shall be immediately taken out of service, all contents shall be removed within 24 hours, and the tank shall not be returned to service until repaired and certified pursuant to Permit Conditions III.B.1. and IV.A.5.

May 27, 1993

Addendum to Permit No: WAD000812917

Expiration Date: 8/26/2002

Page 10 of 89

- c. The Permittee shall perform periodic tightness tests on the interspace areas between the tank bottoms.
 - i. Tightness tests shall be performed in accordance with procedures approved by the Department pursuant to Permit Condition IV.A.4.a.
 - ii. Tightness tests shall be performed prior to placing a modified tank into service and no less than once every 6 months thereafter.
 - iii. Tightness tests shall be performed prior to returning to service any leaking tank which has been repaired.
 - iii. The results of all tightness tests shall be reviewed and certified by an independent, registered professional engineer and maintained in the operating record until facility closure.
 - iv. Any tank for which an interspace area between the tank bottoms cannot be certified as tight shall be immediately taken out of service.
- IV.A.5. The Permittee shall notify the Department within 24 hours of discovering any leakage from tanks 2705-2708. If any of these tanks are found to be leaking and if the Permittee wishes to return the tank to service, the Permittee shall notify the Department prior to implementing any repairs as required by Permit Condition III.B.1. The Department may require additional design changes before the tank is returned to service.
- IV.A.6. The Permittee may not store or treat dangerous waste in tanks 2701 or 2703 without modification of the design and operation of the tank bottom and leak detection system. Such a modification shall be pursuant to procedures specified in Permit Condition I.C.3.

May 27, 1993

Addendum to Permit No: WAD000812917

Expiration Date: 8/26/2002

Page 11 of 89

First page of Burlington's PCB procedures

May 27, 1993

Addendum to Permit No: WAD000812917

Expiration Date: 8/26/2002

Page 14 of 89

First page of Burlington's QA plan

May 27, 1993

Addendum to Permit No: WAD000812917

Expiration Date: 8/26/2002

Page 89 of 89

This page is for tank bottom Drawing No. 23015

ENCLOSURE 2

The following are Ecology's comments on the revised proposal for the leak detection system for the double bottom tanks at the Pier 91 facility as submitted by Burlington Environmental on June 18, 1993

1. Burlington must indicate that if the primary tank bottom is discovered to be leaking, response procedures will include a flushing of the interspace to remove leaked material as soon as possible pursuant to WAC 173-303-640(7)(b)(ii). The flushing procedure will need to be provided for inclusion in the contingency plan.
2. Burlington must provide procedures and a schedule for performing periodic tightness tests on both interspaces. Ecology believes that a six month testing interval is adequate (see revised Permit Condition IV.A.4.c.ii.).
3. Burlington must indicate that the tank bottom interspaces must pass tightness testing before a tank that had been leaking and was repaired will be returned to service (see revised Permit Condition IV.A.4.c.iii.).
4. Provide a copy of Drawing No. 23015 in a size suitable for inclusion in the permit addendum (i.e., like the foldouts in the permit application).